(F)162 (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

M.A. NO. 21 /2005

S.B. I

APPELLANTS
Non-applicant of
Of the original case

1. Premlal, S/o. Vishal Ram Sahu, aged about 32 year Tractor Driver, No.C.G.-11-ZG-1003

2. Mohan Lal Sahu, S/o. Bishal Ram Sahu, aged about 38 years, tractor-onwer No.C.G.11-ZG-1003

Both R/o. Khapari, Post Pakariya, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS
Applicants of the Original case

1. Saubhagyavati Bai (Shilurani), Wd/o. Jhula Ram patre Aged about 38 years

2. Ku. Vandana Patre D/o. Late Jularam Patre

3. Ku. Suranjana Aged about 16 years D/o. Late Jhularam Patre

4. Gagan Deep, Ageda about 14 years, S/o. Late Jhularam Patre

5. Aakash Deep, Aged about 12 years S/o. Late Jhularam Patre No. 3 to 5 are minors And they are represented through guardian through their mother Saubhagyavti Bai (Shilurani) Wd/o. Jhularam Patre

All R/o. village Goindri, P.S. Pathariya, Tahsil Mungeli, Distt. Bilaspur (C.G.)

R.R. No. ... Presented by Shri ... dated ... 27-1-05

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

28

आदेश पत्रक

मामला क्रमांक MA 21/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.02.2006

Shri NK Chatterjee, counsel for the appellants.

Heard.

This is an appeal directed against the interim award passed by the Second Additional Claim Tribunal, Mungeli, by which the interim award of Rs.50,000/-(Rupees fifty thousand) has been passed in favour of the respondents under Section 140 of the Motor Vehicle Act.

Contention of the appellants is that after due investigation Police has filed a challan not only against appellant No.1 but also against three other persons; therefore, the use of tractor in the incident is disputed. Hence no interim award would have been passed by the Tribunal.

From bare reading of the impugned order it is evident that copies of documents annexed along with challan filed against appellant No.1 in Criminal Court have been filed by the respondents in support of their claim. Learned Tribunal, after perusal of those documents and taking into consideration the fact that the appellant No.1, has been prosecuted for the fateful accident, prima facie, held that the accident has been caused by the disputed vehicle causing

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XI-HC-22

29

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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the death of Jularam Patre, therefore, passed the impugned award.

For interim Award, the Tribunal has to, prima facie, assess whether by the disputed vehicle accident has been caused and as a result of that, Jularam Patre died. Whether the appellants are legal representatives of deceased who can claim interim award; and if Tribunal is satisfied with these facts, it has jurisdiction and power to pass the interim award.

From a perusal of the Tribunal's order, I do not find that learned Tribunal in any way committed any illegality or any irregularity.

In the result, the appeal filed by the appellants against the impugned order deserves to be dismissed summarily and it is accordingly dismissed in limine.

In the light of above order, M.(C.)P.No.51/2005, IA Nos. 107/2005, 108/2005, 490/2006 stand disposed of.

Sd/-
V.K.Shrivastava
Judge

padma

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